United Nations A/ES-10/PV.6

General Assembly
Tenth Emergency Special Session

Official Records

6th plenary meeting
Thursday, 13 November 1997, 10 a.m.
New York

President: Mr. Udovenko ..... (Ukraine)

The meeting was called to order at 10.20 a.m.

The President: I declare the tenth emergency special session of the General Assembly resumed pursuant to General Assembly resolution ES-10/3 of 15 July 1997, whereby the Assembly decided

> "to adjourn the tenth emergency special session of the General Assembly temporarily and to authorize the President of the most recent General Assembly to resume its meetings upon request from Member States". [resolution ES-10/3, para. 13]

In this connection, I should like to draw the attention of delegations to the following: document A/ES-10/17 contains a letter dated 24 October 1997 from the Permanent Representative of Yemen to the United Nations by which he requested, on behalf of the States members of the League of Arab States, the resumption of the tenth emergency special session.

Document A/ES-10/18 contains a letter dated 30 October 1997 from the Permanent Representative of Indonesia to the United Nations in his capacity as Chairman of the Islamic Group of the Organization of the Islamic Conference in New York, and document A/ES-10/19 contains a letter dated 31 October 1997 from the Permanent Representative of Colombia to the United Nations in his capacity as Chairman of the Coordinating Bureau of the Movement of Non-Aligned Countries.

Both these letters supported the request of Yemen for the resumption of the tenth emergency special session.

In accordance with rule 63 of the rules of procedure of the General Assembly, the President and Vice-Presidents of the fifty-second session will serve in the same capacity at the resumed tenth emergency special session.

May I take it that it is the wish of the General Assembly to decide that the Credentials Committee at the resumed tenth emergency special session should consist of the same members as those appointed at the fifty-second session?

It was so decided.

Scale of assessments for the apportionment of the expenses of the United Nations (A/ES-10/3/Add.2)

The President: In a letter contained in document A/ES-10/3/Add.2, the Secretary-General informs me that, since the issuance of his communication dated 24 April and 15 July 1997, Chad, Dominica, Equatorial Guinea, Grenada, the Republic of Moldova and Togo have made the necessary payments to reduce their arrears below the amount specified in Article 19 of the Charter.

May I take it that the General Assembly duly takes note of this information?

It was so decided.

97-86503 (E)

This record contains the original text of speeches delivered in English and interpretations of speeches delivered in the other languages. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned, *within one month of the date of the meeting*, to the Chief of the Verbatim Reporting Service, Room C-178. Corrections will be issued after the end of the session in a consolidated corrigendum.

Agenda item 5 *(continued)*

Illegal Israeli actions in occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Report of the Secretary-General (A/ES-10/16 and Add.1)

Draft resolution (A/ES-10/L.3)

The President: The report of the Secretary-General, submitted in accordance with General Assembly resolution ES-10/3, has been circulated in document A/ES-10/16 and Addendum 1.

I should like to inform members that, in a letter dated 12 November 1997 addressed to me, the Permanent Representative of Malta to the United Nations, in his capacity as Chairman of the Group of Western European and other States for the month of November, requests that the General Assembly hear the Observer of Switzerland in the debate during the resumed tenth emergency special session.

Taking into account the importance attached to the issue under discussion, it is proposed that the General Assembly should take a decision on that request.

May I take it that there is no objection to the proposal to hear the Observer of Switzerland in the debate during the tenth emergency special session?

It was so decided.

The President: The first speaker inscribed on the list this morning is the Observer of Palestine.

In accordance with General Assembly resolution 3237 (XXIX), of 22 November 1974, and 43/177, of 15 December 1988, I now call on the Observer of Palestine.

Mr. Al-Kidwa (Palestine) (*interpretation from Arabic*): At the outset, I should like to extend to you, Sir, my gratitude and appreciation for the resumption of the tenth emergency special session, in accordance with operative paragraph 13 of resolution ES-10/3 and upon the request of the Arab Group, with the support of the Organization of the Islamic Conference and the Non-Aligned Movement for this request. I should also like to convey our deepest thanks and appreciation to all these fraternal and friendly nations.

The tenth emergency special session is of great importance for the Palestinian people and, I believe, for the United Nations as well. We are grateful to the Assembly for the convening of this session and, at the same time, we take pride in our contribution, however modest, to the process of democratizing international relations and giving more importance to the General Assembly and the general membership of the United Nations.

The convening of the tenth emergency special session was not an easy task. It was not intended to deal superficially with the issue of illegal Israeli actions in occupied East Jerusalem and the rest of the occupied Palestinian territory. The convening of an emergency special session for the first time in 15 years, following the failure of the Security Council to discharge its responsibilities for the maintenance of international peace and security, was definitely intended to take serious positions and to adopt recommendations for collective measures, within the context of General Assembly resolution 377 A (V), to ensure the cessation of illegal Israeli actions.

This session must therefore continue — and so must the determination with regard to implementation of the demands of the General Assembly. Collective measures should be escalated until this is achieved and until Israel, the occupying Power, complies with the demands of the General Assembly.

As yet, this has not happened. At the tenth emergency special session the General Assembly has thus far adopted by an overwhelming majority two substantive resolutions, resolutions ES-10/2 and ES-10/3. Those two resolutions contain clear demands, which are: first, the immediate and full cessation of the construction in Jebel Abu Ghneim and of all other Israeli settlement activities, as well as of all illegal measures and actions in Jerusalem; secondly, that Israel accept the *de jure* applicability of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 to all the territories occupied since 1967, and that it comply with relevant Security Council resolutions in accordance with the Charter of the United Nations; thirdly, that Israel, the occupying Power, immediately cease and reverse all measures and actions illegal under international law taken against Palestinian Jerusalemites; and fourthly, that Israel, the occupying Power, make available to Member States the necessary information about goods produced or manufactured in the

illegal settlements in the occupied Palestinian territory, including Jerusalem.

Israel has not complied with any of these demands, and has actually continued to carry out its illegal measures. Its only reaction to these resolutions has been to scorn the will of the international community, with some Israeli officials describing resolution ES-10/3 as "shameful" and "morally bankrupt".

We believe that the international community should never retreat when faced with Israeli intransigence and arrogance. The international community should uphold international law and the principles of the Charter as well as its own positions until Israel ceases all illegal actions. The time has come to stand firm in this regard, even just once, against Israeli violations of international law and United Nations resolutions on the occupied territory, violations which have continued for the past 30 years.

The tenth emergency special session is now considering the second report of the Secretary-General and its addendum [A/ES-10/16 and Add.1], submitted in accordance with paragraph 10 of resolution ES-10/3. This follows earlier consideration of his first valuable report, contained in document A/ES-10/6. The Secretary-General has included in his report and its addendum information that he received from the Government of Switzerland, in its capacity as depositary of the Fourth Geneva Convention. This information consists of the replies that the Swiss Government has received from High Contracting Parties to the Convention in response to the memorandum in which the Swiss Government requested their views in follow-up to paragraph 10 of resolution ES-10/3, including their views on the issue of convening a conference. In this regard, I would like to express our deep gratitude to the Secretary-General, His Excellency Mr. Kofi Annan, for his important report.

The report and its addendum set out the collective responses that were received from the President of the Coordinating Bureau of the Movement of Non-Aligned Countries, the Secretary-General of the League of Arab States and the Presidency of the Council of the European Union, in addition to the individual responses received from 74 High Contracting Parties. These responses obviously indicate that the overwhelming majority of High Contracting Parties agree upon the need for the convening of a conference in one form or another. We believe that the recommendation in paragraph 10 of resolution ES-10/3 and the information contained in the report of the Secretary-General necessitate the convening of a conference of the High Contracting Parties to the Fourth Geneva Convention to consider measures to enforce the Convention in the occupied Palestinian territory, including Jerusalem, and to ensure respect for the Convention in accordance with its common article 1. It is our hope that today the Assembly will adopt by an overwhelming majority a paragraph to this effect as part of a draft resolution. It is our hope also that the Swiss Government, in its capacity as depositary of the Convention, will begin the preparatory measures necessary for the convening of a conference.

In this regard, we welcome any meetings to prepare for the conference, including for example a meeting of experts as suggested in the letter of the European Union, on the understanding that such meetings would be convened in an urgent manner not later than three months from this date. We believe, of course, that our participation, as the party directly concerned, in the conference and in any preparatory meetings in that regard is necessary and cannot be overlooked. Generally speaking, we hope that some parties will reconsider their positions in order to preserve the integrity and credibility of international humanitarian law and their obligations as High Contracting Parties, as well as compliance with international legitimacy and Security Council resolutions. It should be mentioned that the Security Council has adopted 25 resolutions in which it affirmed the applicability of the Fourth Geneva Convention to the territories occupied by Israel since 1967, including Jerusalem. There is also international consensus in this regard, including by the International Committee of the Red Cross. Israel alone rejects this. It does not stop with rejection, but has also continuously violated the provisions of the Convention for the past 30 years. There is no other such outrageous case in the world: Israel is the only State Member of the United Nations that is named an occupying Power by the Security Council.

What gives the Assembly's action today more importance and urgency is the severe deterioration of the peace process in the Middle East as a result of the policies and practices of the Israeli Government — to the extent that the process is breathing its last. Many members of the present Israeli Government have clearly expressed their rejection of the bases of the peace process — Security Council resolutions 242 (1967) and 338 (1973) and the principle of land for peace — and have also expressed their extreme disdain for the agreements reached between the Palestinian and the Israeli sides. From the very beginning, this Israeli Government adopted general guidelines which do not

conform with the bases of the peace process or with the agreements reached. The Government has resumed its colonial settlement campaign through the confiscation of more Palestinian land, the theft of natural resources, the construction of settlements and the transfer of more settlers to the Palestinian territory occupied since 1967.

The Government has also resumed its campaign to judaize occupied Arab East Jerusalem by making more changes to its legal status and demographic composition, through colonial settlerism and the abrogation of the rights of the Palestinian Jerusalemites to live in their own city. In addition, it has opened the tunnel in the area of Al-Haram al-Sharif and is attempting to change the status of the surrounding area. Most recently, it has started construction of a settlement in Jebel Abu Ghneim to the south of occupied East Jerusalem.

The Israeli Government has also undertaken to strangle the Palestinian economy and to flagrantly exploit the Palestinian market by imposing sieges and closures and by restricting the freedom of movement of persons and goods in the occupied Palestinian territory, including Jerusalem, and between this territory and the outside world. It has prevented any possibility of genuine economic development, all of which has led to a severe deterioration of the living conditions and the cruel suffering of our people.

In addition to this, the Israeli Government has increased direct oppressive measures against our people, such as the demolition of homes, kidnappings and collective administrative detentions — even killings and assassinations. Only yesterday a nine-year-old boy in the city of Bethlehem was shot in the head at point-blank range by an Israeli soldier.

The current Israeli Government has not implemented any of the provisions of the agreements reached, despite the fact that many of them are overdue, including the phased Israeli redeployment from the West Bank, together with other important matters, including the return of displaced persons and the safe passage between the West Bank and the Gaza Strip. Israel is even obstructing the operation of the Gaza airport, which is ready for operation. As far as we know, the only exception to this lack of implementation, has been the redeployment from Al-Khalil (Hebron), which was achieved only as a result of serious pressure by the United States following a series of measures by Israel that constituted a direct threat to the totality of the peace process.

Everything that I have mentioned is a result of the established policies of the Israeli Government — not an actual reaction to any particular event. It seems that the real objective of the current Israeli Government is to get rid of the existing agreements, while bearing the least possible responsibility for it before its people, the peoples of the region and the international community at large. For some time now, the Israeli Government has been taking initiatives, publicly suggesting the setting aside of these agreements and moving on to the final status negotiations. It has also described its vision of a definitive solution which completely demolishes the substance of the peace process and the essence of mutual recognition between the Palestinian and Israeli sides. This is the crux of the problem. This necessitates perforce a serious intervention on the part of the international community, particularly by the two sponsors of the peace process. Such an intervention should reject these Israeli policies and positions, and impose respect for the bases of the peace process and the existing agreements, and for the implementation by the parties of their contractual obligations in accordance with these agreements.

What does the Israeli side present to evade its responsibilities for all of this? It focuses on the bombings in Israel carried out by the enemies of peace on the Palestinian side. Contrary to the previous Israeli Government, the current Israeli Government has attempted to place responsibility in this regard on the Palestinian Authority. It has also alleged that the bombings are the reason for the lack of progress in the peace process. We do, of course, acknowledge the deep negative impact of these bombings and of all the actions carried out by the enemies of peace, including the Israeli enemies of peace, from the perpetrator of the massacre at Al-Haram al-Ibrahimi in Al-Khalil (Hebron) to the assassin of Yitzhak Rabin.

However, we believe that the aforementioned policies of the Israeli Government are not the result of these actions, which we forcefully condemn. These policies are in effect the result of predetermined positions and are aimed at achieving specific objectives which contradict the peace process. Further, we believe that these Israeli policies are partially responsible for facilitating the actions of the enemies of peace and for making it more difficult to fight against these actions. These policies are responsible for the state of frustration among the Palestinian people, the tension prevailing in the region and the decline in the hopes for peace among its peoples.

In spite of all of this, I would like to make our position clear. We are against violence and terrorism. We have condemned them, we have worked against them, and we shall continue to do so. We believe that this is in accord with the interests of our people. At the same time, success in confronting all of this is obviously linked to the political and economic reality and to abolishing the environment that breeds violence and terrorism. We call on all the concerned parties to fully shoulder their responsibilities in this regard.

The Israeli side has also stated, in what appears to be a campaign in which certain parties and mouthpieces participate, that our complaints to the United Nations and all of our work today is in violation of the existing agreements reached and that they harm the peace process. Nothing can be more ludicrous. I wish first to refer to the permanent responsibility of the United Nations with regard to the question of Palestine and to the fact that the existing agreements complement international law and the relevant Security Council resolutions — they do not supersede or abrogate them. It remains our right and our duty to achieve the maximum possible involvement by the United Nations and all its bodies, including the Security Council and the General Assembly, in the question of Palestine and in the situation in the Middle East.

Of course, it is nice to see that the Israeli side suddenly recalls the agreements reached. However, it is unacceptable for the Israeli side to attempt to insult our collective awareness and intelligence with talk about the violation of these agreements, while it is actually and continuously violating them in a permanent manner and creating new facts on the ground which undermine future negotiations — not to mention its violations of international law, Security Council resolutions and all other relevant United Nations resolutions.

It seems that the Israeli Government, along with some of its friends, not only wants to get rid of the framework of the agreements reached. Until this is accomplished, it also intends to try to get rid of the framework of international legality. This is preposterous, as it aims at abolishing our existence as a people, abrogating our rights and placing us in cantons under Israeli hegemony, according to what this respected Government sees as its final solution of the crisis.

It is the responsibility of the international community to reiterate its rejection of all of this. Perhaps the Israeli Government may return to its senses and to compliance with international law, the United Nations Charter and the agreements reached between the two parties.

On our side, the Palestinian people and the Palestinian leadership remain committed to their strategic option to become engaged in the peace process, and committed to the agreements reached. In all cases, we have an unshaken, deep belief that our people will be able to restore their inalienable rights, to establish their independent state, with Jerusalem (Al-Haram al-Sharif) as its capital, and consequently to participate integrally and effectively in the realization of a just, permanent and comprehensive peace in the Middle East.

Twenty-three years ago to the day, on 13 November 1974, Yasser Arafat stood before the Assembly as the representative of the Palestinian people, pleading with it to keep the olive branch in his hand. Today, we repeat that appeal, and we trust that the Assembly will adopt the right stance.

Mr. Gold (Israel): Yesterday, the twelfth of the Hebrew month of Heshvan, the people of Israel mourned the second anniversary of the murder of Prime Minister Yitzhak Rabin. Less than two weeks before his assassination, on 24 October 1995, Prime Minister Rabin addressed the General Assembly on the occasion of the fiftieth anniversary of the United Nations. He said:

> "We are grateful to the international community for its encouragement at this historic moment which is unfolding on our little plot of land." [*Official Records of the General Assembly, Fiftieth Session, Plenary Meetings*, 39th meeting, p. 26]

And he went on to praise the change in the relationship between Israel and the international community, and the United Nations.

Two years on, as we face the third convening of an emergency special session within six months, when the General Assembly can find no greater threat to international peace and security than the building of a residential neighbourhood in Jerusalem, what has happened to that new United Nations attitude we glimpsed only two years ago?

Two years on, the United Nations is no longer at the forefront of the forces of peace. Instead, it is permitting itself to be abused, again and again, as part of a political campaign which threatens to turn the clock back to the

decades of sterile and hostile debates in the international arena.

This meeting of the emergency special session, like those which preceded it, is a masquerade. It claims to be concerned with advancing the prospects for peace. It claims to be concerned with increasing humanitarian protection. But in fact it will serve only to undermine the prospects for peace, to undermine the instruments of humanitarian protection and, ultimately, to undermine the United Nations itself. As for the draft resolution before the Assembly, it bears little or no relation to the facts on the ground. Never, perhaps, has that dangerous gap between the General Assembly's perception of reality and reality itself been so wide.

Last week, while Israeli and Palestinian negotiators in Washington resumed intensive efforts to bridge gaps between them, the Palestinian Observer Mission to the United Nations was feverishly occupied with preparing the draft resolution before us. And this week, as this draft resolution, which refers to the stalled peace process, comes before us for discussion, Israeli and Palestinian negotiators have continued to meet on a daily basis to try to reach concrete agreement.

At the very moment when Israeli negotiators are being asked, despite the heinous acts of terror that continue to take innocent civilian lives, to take risks for peace on vital issues of security — to enable safe passage through the heart of Israel, to enable a full-scale airport to begin operation in the Gaza Strip, to invest millions of dollars to create jobs for Palestinians in the Karni industrial park — this Assembly will broadcast its resonant vote of no confidence in the peace process.

The ostensible pretext for this emergency special session is Israeli "settlement activities"; but that, too, is a masquerade. In the Declaration of Principles between Israel and the Palestine Liberation Organization (PLO) and the Interim Agreement that followed, Israel and the Palestinians agreed on two fundamental principles concerning settlements. The first was that there would be no restriction on settlement activity during the interim period. Indeed, in the course of negotiating these agreements, the Palestinian side, in 1994 and 1995, dropped a proposal that would have barred the building of new settlements and the expansion of existing ones, agreeing to conclude and sign the agreements without such a specific provision. In presenting the Interim Agreement to Israel's Knesset in October 1995, the late Prime Minister Yitzhak Rabin stressed the fact that the agreements contained no prohibition on settlement activity, referring to his

> "commitment to the Knesset not to uproot any settlement in the framework of the Interim Agreement, nor to freeze construction and natural growth".

This was stated as the Knesset was discussing the Interim Agreement and decided to support it. In fact, the only building activity in the territories that has been in direct contravention of these agreements has been the massive Palestinian construction effected in violation of the agreed provisions concerning planning and zoning. In 1997 alone, 625 illegal Palestinian structures have been erected in area C — that is the area of the West Bank under Israeli control. In area B, in which the Palestinians have responsibility for civilian and public order and Israel has security control, the number of structures is in the thousands. What we have here is total asymmetry. Israel is being asked to freeze settlement activity while the Palestinians continue to build. Is that a level playing field?

The second principle concerning settlements established in the Israel-PLO agreements was that the settlements would be one of the subjects of negotiations between the two sides in the permanent status talks. On the date set for the start of these talks Israel turned up, ready and waiting, with a team of negotiators; but the Palestinian side never came. While Israel calls repeatedly for its Palestinian counterparts to join it in expedited permanent status talks, talks which would deal, *inter alia*, with the issue of settlements, the Palestinian side prefers to reject practical negotiations and opt instead for the fool's gold of political resolutions in international forums.

The draft resolution before us poses a very simple question: where will the peace negotiations take place? Will they take place in the public international arena, where decades of resolutions like the draft before us have not brought the Palestinian people one inch closer to the realization of their aspirations? Or will they take place in genuine face-to-face dialogue between the two sides? This is the point on which the peace accords are abundantly clear. They provide that all outstanding issues between the two sides are to be resolved in direct bilateral negotiations — the only framework in which progress has ever been made.

The draft resolution calls for reinjecting momentum into the peace process but its effect will be exactly the

opposite. To genuinely inject momentum into the process, the international community must send the Palestinian side back to the negotiating table where they, and we, and the issues between us, belong.

The draft resolution calls for the convening of a conference of the High Contracting Parties to the Fourth Geneva Convention, to ensure respect for the Convention by Israel. One can only express astonishment at this newfound concern with enforcing the Convention. Was such a conference convened when the Soviet Union invaded Czechoslovakia, or when it invaded Afghanistan?

Of course, today we are talking about a case of territories from which Israel was attacked in 1967 and which it entered in self-defence. In fact, in the entire history of the Convention, despite the many cases of actual occupation, only one State has actually implemented in practice the provisions of the Convention relating to occupied territory: Israel. Even though, as Israel has explained many times in this Hall, the Convention is not, strictly speaking, applicable to territories which were formerly occupied and not under a legitimate sovereign, Israel has implemented the Convention in practice. Can the interests of the Convention possibly be served by convening the High Contracting Parties to censure the one State that has sought to implement its provisions?

And if, as the proponents of the draft resolution profess, their concern is with the humanitarian protection of the population of the West Bank and the Gaza Strip — to whom should their concerns be addressed? Following the Israeli-Palestinian agreements, virtually the whole of the Gaza Strip and a large part of the West Bank have been transferred to Palestinian responsibility. Today — and this may be a surprise to many — over 95 per cent of the Palestinians in the West Bank and the Gaza Strip live under Palestinian, not Israeli, responsibility.

But the most dangerous aspect of the draft resolution's proposal to convene a conference is that such a conference would constitute a dangerous mix of political and humanitarian spheres. The significant achievements of humanitarian protection have been based on the neutrality of humanitarian law and the organs which implement it. The politicization of the instruments of international law would only undermine their effectiveness and have far-reaching consequences, not merely in our region, but in cases of humanitarian need across the world. In short, this draft resolution is a blow to the defence of human rights.

Since the last meeting of the emergency special session, Israel has been the victim of brutal terrorist bombings in the heart of Jerusalem — in the Mahane Yehuda market and the Ben Yehuda street pedestrian mall. The perpetrators of these attacks did not come from abroad, but from the areas under the control of the Palestinian Authority. To this day, the Palestinian Authority has failed to comply with its commitment to combat systematically and effectively terrorist organizations and infrastructure. This is a specific Palestinian obligation that appears in the Note for the Record of January 1997. What kind of message does this emergency special session send to Chairman Arafat regarding his non-compliance?

The failure of the Palestinian Authority to comply with its security commitments to fight terrorism is not a debating point. We are talking about a situation that puts Israeli lives at risk.

On 5 August 1997 Mr. Arafat appeared on Palestinian television telling his Fatah movement in Gaza,

> "It is important that we organize our homes and our movement so that we can more and more endure the coming battle which we shall initiate."

He then added:

> "The whole world stands by us, while they are alone."

This statement was repeated on 6 August 1997 in *Al-Hayat Al-Jadida*. What message does this emergency special session send to Mr. Arafat? To comply with his commitment to fight terrorism? Or that violence against Israel and Israelis will not be denounced?

While the bombing of innocent Israelis and the language of this sort erode the core of the Oslo process, the Government of Israel is determined to make this peace process work. For this, we need the support of the international community, and not the kind of act that is being proposed here today. The Government of Israel remains committed to the Madrid invitation, which includes reference to Security Council resolutions 242 (1967) and 338 (1973) and to all signed agreements between Israel and all Arab parties.

The one-sidedness of this session and the draft resolution before it reflect an approach that threatens to undermine not only the peace process and humanitarian

protection, but also the very aspirations of the United Nations itself. Instead of being a tool for helping to build peace, this approach threatens to lead the United Nations to undo the work of decades and become merely an implement in the hands of political manipulators. I call on Member States to resist this dangerous tendency and not to be party to today's proposal and all that it stands for.

In his concluding remarks to the General Assembly in 1995, the late Prime Minister Yitzhak Rabin gave voice to the hopes of many for what this organ could be, when he said that the main role of the United Nations is to support the powers and the nations that are working for peace, to intensify the struggle against terror, to promote democracy, education and development and to ensure the advancement of all mankind.

Look at this session today. Where is that United Nations now?

The President: I now give the floor to the representative of Senegal in his capacity as Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People.

Mr. Ka (Senegal), Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People (*interpretation from French*): I would like to thank you, Mr. President, for giving me the floor in my capacity as Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People at this resumed tenth emergency special session of the General Assembly on the question of "Illegal Israeli Actions in Occupied East Jerusalem and the Rest of the Occupied Palestinian Territory". We are sure that under your enlightened leadership the work of this important session will be crowned with success.

I would also like to thank the Government of Switzerland for its efforts in response to paragraph 10 of resolution ES-10/3, in which the General Assembly recommended that the High Contracting Parties to the Fourth Geneva Convention convene a conference to enforce the Convention in the occupied Palestinian territory, including Jerusalem, and to ensure its respect, in accordance with common article 1 of all four Geneva Conventions.

We have noted with interest the views expressed by the many Contracting Parties that have responded to the letter from the Swiss Government, the vast majority of which were in favour of convening such a conference. Some raised the possibility of first seeking to clarify certain legal issues, while others were hesitant, apprehensive that this initiative might jeopardize the peace process.

It is clear from the replies that the international community in general, and the Contracting Parties to the Fourth Geneva Convention in particular, remain gravely concerned about the stalemate in the Middle East peace process, and believe that the precarious situation and denial of justice in the occupied Palestinian territory justify concrete, urgent measures by the community of nations to alleviate the sufferings of the Palestinians living under occupation.

Today the General Assembly, which has been seized of this abnormal situation in an emergency special session since last April, must carefully consider this question with a view to recommending collective measures to Member States, in accordance with paragraph 1 of resolution 377 (V), "Uniting for peace".

It is encouraging that the bilateral talks between the Israelis and the Palestinians on a series of issues resumed on 4 November. For these talks to succeed, we sincerely believe that only the support and commitment of the co-sponsors of the peace process will be likely to re-establish the confidence which is indispensable for advancing the process in the direction desired by the great majority of the peoples of the Middle East and the entire international community.

We have also noted that the Israeli Government has taken certain steps: gradually releasing frozen funds, partially lifting the siege imposed on Palestinian areas, and allowing some Palestinian workers to go to their jobs in Israel.

Although these measures are welcome, they represent in reality only a cautious beginning, which slightly improves the grave situation of the Palestinian population of the occupied territory. These measures can in no way absolve Israel from making fundamental decisions: to freeze the building of settlements and the illegal confiscation of land and to withdraw the occupying forces from the occupied territories. The behaviour of the occupying authorities clearly underlies the serious situation that has been going on since last year, prompting the international community to convene this tenth emergency special session.

As rights continue to be denied and the confiscation and whittling away of Palestinian lands persists, Palestinian hopes of enjoying the true exercise of their rights shrink day by day. And we note also, every day, that international condemnation of these illegal measures has still not prevented the occupying Power from continuing to take illegal measures contrary to the spirit and the letter of the relevant United Nations resolutions.

In contempt of resolutions recently adopted by the General Assembly, during its resumed fifty-first session and this tenth emergency special session, construction of the Har Homa settlement on Jebel Abu Ghneim has gone on. It was learned last week that the first 1,000 apartments will be ready for sale to Jewish settlers in 1998. The total number of apartments under construction is of the order of 6,500.

The expansion of other settlements throughout the occupied territory is also continuing. At the end of October, for example, it was disclosed that 1,500 hectares have been confiscated to enlarge the Maaleh Adumim settlement in the West Bank, which thus would ultimately stretch from the outskirts of Jerusalem almost to the border with Jordan.

In occupied East Jerusalem settlers have taken over additional buildings, and it has been announced that a new gate for traffic will be opened through the Old City and new buildings will be put up in the Jewish quarter. At the same time, Palestinian Jerusalemites are increasingly being deprived of their residence rights, and Palestinian homes in the city are being systematically demolished. Finally, acts of violence are committed daily by armed Jewish settlers and occupying troops against defenceless Palestinians in Al-Khalil (Hebron) and elsewhere in occupied Palestinian territory.

The Palestinian territory has now been occupied for over 30 years, and for more than 30 years the international community has been adopting resolutions in the Security Council and the General Assembly to settle the Israeli-Palestinian conflict. Soon it will be 50 years since the General Assembly adopted the resolution partitioning Mandated Palestine into two States, one Jewish, the other Arab, with a special status for Jerusalem.

Throughout all these years, Herculean efforts have been made to achieve a just and lasting peace, which would enable Palestinians and Israelis to live together on an equal footing, in dignity and respecting each other's rights, and in a framework of partnership and cooperation.

By signing the Declaration of Principles in 1993 the parties made a bold move in the direction of peace. They chose the difficult and laborious, but ultimately rewarding, task of working together to resolve their differences and achieve mutual understanding, because the bloodshed and destruction of the past half century had made it clear to them that there was no alternative to putting an end to rancour and laying down their arms.

The attempts at exclusion imposed by force of arms, the deprivations and collective punishment during the occupation, can never lead to peace or bring security. That peace and that security will come only with a cooling of emotions, by calming the hearts and minds of the peoples of the region.

Thus there is a need for the General Assembly to express, today, the position of the international community in a clear fashion in favour of the convening of the conference on measures to enforce the Fourth Geneva Convention in occupied Palestinian territory and to adopt measures to promote confidence and reestablish respect for international legality. Only such measures can truly assist in moving the peace process forward.

As Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, I should like to reaffirm here once again that we are determined fully to support the Assembly's decisions and to intensify our efforts to contribute to the advent of a just and lasting peace in the interests of all the peoples of that region, peoples who — I repeat once again — have sent an indispensable message of peace and tolerance to the world.

The President: I now call upon the representative of Jordan to introduce draft resolution A/ES-10/L.3.

Mr. Abu-Nimah (Jordan) (*interpretation from Arabic*): I take pleasure in expressing at the outset in this statement, which I have the honour to make on behalf of the Group of Arab States at the United Nations, our congratulations to you, Mr. President, and our confidence in your competence and abilities and diplomatic expertise, which will surely help us realize the success we seek for the work of our Assembly to the maximum extent possible. It also gives me pleasure to thank you on behalf of the Arab Group, which appreciates the reconvening of this emergency special session to discuss one of the most important issues the United Nations has been facing for many years now, namely, the question of the illegal

Israeli actions in occupied East Jerusalem and the rest of the occupied Palestinian territory.

This is the third occasion on which we are appealing to the General Assembly, which discussed this same issue on 25 April and 15 July 1997. We also appealed to the Assembly on two occasions following the Security Council's discussion of this issue. The Council has not been able to agree on a just and correct formula to halt the deterioration of the situation, which is counter to the cause of peace, security and stability in our region.

Here, we seek a just and wise decision and a responsible and honest utterance. On many prior and successive occasions we have expressed, both to the Security Council and to the Assembly, our anxiety over the obstruction of the peace process. We have made both the Council and the Assembly familiar with the continuous Israeli practices that have gone counter to the peace process and that have led to the current impasse. We have emphasized our concern that the continued building of settlements in Arab territories jeopardizes the content and meaning of the peace process and casts doubt on Israel's true commitment to that process.

We have emphasized that the continued Israeli practices, which led to the present conflict after the commencement of the peace process, have not only halted that process in its entirety but have resulted in regression from the achievements that had already been realized. We had hoped that those achievements would constitute a base on which we could achieve and build more confidence and mutual willingness on the part of Israel and its neighbours to cooperate and coexist peacefully.

We have already spoken here of the questions which are being asked by everyone in our region. We have spoken of the shock, disbelief, loss of hope, frustration and despair of our peoples. People are wondering how peace can be achieved without justice, how security can be realized without peace and how coexistence can come into being in the shadow of continued Israeli violations of the rights of the Arab people under occupation. In light of the Israeli confiscation of Arab territories and of residence permits, its practice of building settlements and bypass roads isolating Arab cities and villages, its practice of closures, its embargoes, its policy of repression, isolation and collective punishment — in the light of all that, people are wondering, and we too wonder: how can we proceed down the road of peace if Israel is not committed to what it has already agreed contractually, especially with the Palestinian National Authority?

The Assembly took a very responsible stand in resolution ES-10/2, adopted on 25 April 1997, in which it reaffirmed the permanent responsibility of the United Nations with regard to the question of Palestine and the principle of the inadmissibility of the acquisition of territory by force. In that resolution, the Assembly affirmed its support for the peace process and reaffirmed the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the occupied Palestinian and other Arab territories, including Jerusalem. It also affirmed all its earlier resolutions relevant to this question and expressed its conviction that the repeated violations by Israel of international law and its failure to comply with relevant Security Council and General Assembly resolutions and the agreements already reached between the two parties undermined the Middle East peace process and constituted a threat to international peace and security.

That General Assembly resolution emphasized concern about the actions of armed Israeli settlers in the occupied Palestinian territory, including Jerusalem. The resolution also condemned the construction by Israel of a new settlement in Jebel Abu Ghneim and condemned all other illegal Israeli actions in the occupied territories. It characterized settlement activities as illegal and demanded their immediate and full cessation wherever they occurred. It demanded that Israel accept the *de jure* applicability of the Geneva Convention of 1949 to all the occupied territories.

The resolution recommended that the High Contracting Parties to the Geneva Convention take measures, on national and regional levels, in fulfilment of their obligations under article 1 of the Convention. The resolution requested the Secretary-General to monitor the situation and to submit a report on the resolution's implementation within two months.

The Secretary-General's report [A/ES-10/6] was issued on 26 June 1997 and reaffirmed Israel's failure to comply with the resolution. Israel's failure to respond to the will of the international community and its rejection of United Nations resolutions adopted and accumulated over the course of decades, its refusal to respond to all efforts by Arab, European and international parties over several months to convince it to halt its construction in Jebel Abu Ghneim and allow the peace process to proceed on its course in a manner that would realize for the peoples of the region and their States the peaceful future that they desire — that failure to respond on the part of Israel has propelled the situation in our region

towards further deterioration and tensions. It has returned the atmosphere in the region to the animosity, conflict and distrust that had previously characterized the situation for long decades prior to the peace process. We had thought that we had progressed beyond such a situation.

In order to be clearer, we have to examine certain paragraphs in the Secretary-General's report, in which he notes that Israel's settlement activity had continued unabated, including the expansion of existing settlements, the construction of bypass roads, the confiscation of land adjacent to settlements and related activities throughout the entirety of the occupied territories. The report noted that the Abu Ghneim project was particularly dangerous for political, geographic, demographic and economic reasons. According to the report, the political dangers stem from the fact that the settlement activities at Jebel Abu Ghneim represent the first step towards the construction of an entirely new settlement on occupied Palestinian lands since a freeze was imposed on such activities by the previous Israeli Government in the context of the peace process.

This also jeopardizes the final status negotiations regarding the city of Jerusalem and shatters the expectations of the Palestinians that East Jerusalem will be the future capital of their Palestinian State. The report mentions that the gravity of the settler activity in Jebel Abu Ghneim lies in the fact that, geographically, it represents the final link in a chain of Israeli settlements around East Jerusalem. The closing of this chain will therefore result in the isolation of Jerusalem from the rest of the West Bank and is a component of the stated policy of the Government of Israel, represented in the full incorporation of East Jerusalem into the "unified eternal capital of the State of Israel".

The report also refers to the concomitant economic dangers. The demographic dangers referred to in the report are represented by Israel's intention to transfer 50,000 Jewish settlers from Israel to this area, which will entail the forced and dangerous alteration of the ethnic and religious composition of occupied East Jerusalem.

The report also mentions more than once the continued Israeli settler activities throughout the West Bank and the Gaza Strip. It tells of Israel's expropriation of more than 30,000 dunums of Palestinian land in the West Bank in May 1997 for the expansion of settlements. The confiscations included land in Hebron, Jerusalem and the Jordan Valley.

The report also addresses Israeli practices and measures aimed at altering the character, legal status and demographic composition of Jerusalem. The most dangerous aspects of these measures are the revocation of the residency rights of Palestinian Jerusalemites and the confiscation of their identity cards. This has not only obstructed their exercise of their natural right to reside in Jerusalem, but has also prevented them from entering the city for purposes of education, medical treatment or worship. The report states that these practices apply only to Arab inhabitants.

It also mentions Israel's rejection of the *de jure* applicability of the Fourth Geneva Convention of 1949 to all territories occupied since 1967 and its failure to respect commitments undertaken in the Oslo accords. It also refers to the arbitrary and coercive measures undertaken against the Arab population, such as administrative detention, collective punishment, the demolition of homes, curfews, the forcible transfer of Bedouin population, closures, impeding the free movement of people and, in particular, the restriction that prevents them from travelling through Jerusalem between the north and south of the country.

This Assembly discussed the Secretary-General's report in its special emergency session on 15 July and adopted resolution ES-10/3, in which it reiterated the contents of its previous resolution and again recommended that the High Contracting Parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War convene a conference on measures to enforce the Convention in the occupied Palestinian territories, including Jerusalem, and to ensure its respect, in accordance with common article 1. The resolution condemned the failure of the Government of Israel to comply with the demands made by the General Assembly in resolution ES-10/2.

This Assembly will undoubtedly adopt a new resolution following this debate that reconfirms its position. It can be definitely foretold that Israel will not respect that resolution, as was the case with all preceding ones. The big question on everyone's lips in our country is: How long will this double standard be pursued and where is justice in all of this? Is it permissable for Israel not to be compelled to heed international resolutions, as other Members of this Organization are compelled to do?

In our region, we face a grave situation. The peace process has come to a total halt. Recent developments have overcharged the atmosphere and presage an

explosion which we are striving to avert. Should we stand as spectators awaiting this eruption? The situation cannot possibly continue without taking a turn for the worse unless the determined will of the international community is brought to bear to bring the peace process out of its impasse.

Unfortunately, all efforts made to date have failed to convince Israel of the need to reconsider its policies, which brought the peace process to a total standstill. The Government of the United States, one of the sponsors of the peace process, has made persistent efforts towards that goal, as have other parties. United States Secretary of State Madeleine Albright visited the region and called on the Palestinian and Israeli parties to undertake concrete measures. The Palestinian party honoured its commitments and implemented what was asked of it, while Israel refused more than once to implement these demands. Attempts were made to bypass the obstacles and to have the Palestinian-Israeli talks in Washington continue, but they also collided with the obstacle of Israeli non-compliance and thus no tangible progress was achieved.

On behalf of the Arab Group, it gives me pleasure to declare before this Assembly our commitment to peace as a strategic and firm option and to express the readiness of the Arab parties to take up the peace process from the point at which it halted, on all tracks, emanating from the firmly agreed principles on which it was based. We feel that the peace we are seeking cannot serve the interests of one party alone at the expense of the other. The peace that Israel desires and the Israelis need is the same peace that is needed by all others living in the region.

Reliance on force cannot achieve security, serve the purposes of peace or establish an atmosphere conducive to coexistence, security, construction, prosperity and development in the region. Israel's continued reliance on force to consolidate its gains at the expense of legitimacy, justice, right and logic will recreate the atmosphere of conflict and lack of confidence that we had thought forever banished by the onset of the peace process.

From this Assembly Hall, we call on Israel to reconsider its policies, comply with international decisions, implement its commitments and cease acting to obstruct the peace process. Because the continuation of the freeze and the obstruction poses a threat to the region and to Israel, that country must review its policies objectively and responsibly. We will not allow any obstruction or frustration to affect our commitment to a comprehensive, just and lasting peace for all the peoples of the region. We also know, however, that the commitment of the Palestinian and Arab parties cannot be translated into the desired reality without a commitment by the Israeli side, including its demonstration of good faith and responsible political will, to recognize the legitimate rights of all others. That commitment must be equal to the concern Israel shows for its own rights and interests.

We therefore call on this Assembly, representing the will of the international community, to intensify its efforts to overcome the obstacles and correct the policies that are impeding progress in the peace process. We also call on the sponsors of the peace process and the States of the European Union and other regional groups to pursue and step up their efforts to achieve this noble objective. We call for a comprehensive review of the peace process that will allow us to correct its path and to pursue our efforts in the framework of the terms of reference agreed in Madrid on the basis of international legality and Security Council resolutions, especially resolutions 242 (1967), 338 (1973) and 425 (1978) respectively, and of the principle of land — the Arab territories occupied since 1967 — for peace.

We call for all this with a view to making further progress beyond what has already been achieved on the Palestinian-Israeli, the Syrian-Israeli and the Lebanese-Israeli tracks. That is how we can achieve the state of lasting, just and permanent peace desired in the region.

Mr. Elaraby (Egypt) (*interpretation from Arabic*): For the second time in less than five months, the General Assembly has resumed its tenth emergency special session, in accordance with the "Uniting for peace" resolution and in order to discharge its international responsibility vis-à-vis Israel's lack of compliance with the demands of the international community, as represented by the General Assembly. These demands require a halt to Israeli's illegal activity in the occupied Palestinian territories, including Jerusalem, foremost among which is the establishment of settlements.

Israel persists in the implementation of its settlement schemes in general, and in Jerusalem in particular. Work continues on the Jebel Abu Ghneim settlement, in disregard of the relevant provisions of international law and the provisions of the Fourth Geneva Convention. In addition, the illegal actions taken by the Israeli Government in the occupied territories, while it declares its adherence to the peace process, represent a clear contradiction of the spirit, word and deed of the endeavours to arrive at a comprehensive, just and lasting

peace. This contradiction causes the world frustration and anger.

The voices that call on the Palestinian side to go to the negotiating table, in an attempt to change things that are being forcibly created on the ground by the Government of Israel, are devoid of logic and justice. How can we demand of the party whose land has been usurped — and who can discern for itself Israel's persistence in establishing settlements in order to house thousands of its citizens and provide them with services — that it change this situation by negotiations, particularly in the light of Israel's refusal to implement its contractual obligations concerning the interim withdrawal? Here we should pose the following question: Why does the Government of Israel decide to build on these territories if it considers that it could withdraw from them one day? The answer impels us all to stress that the present Government of Israel has no intention of returning the territory that it occupied by military force in 1967. It constructs settlements for its citizens there as if that territory belonged to it legally and legitimately.

In this regard, I would like to refer to what the leader of the Israeli peace movement, *Gosh Shalom*, said at a press conference on 28 September 1997:

(spoke in English)

> "We call upon the whole world to support peace by not buying products made in settlements. Settlements are a provocation that are leading us towards war."

(spoke in Arabic)

All States, except Israel, recognized the applicability of the Fourth Geneva Convention to the occupied territories. Under article 49 of the Convention, Israel, as the occupying Power, has the obligation not to confiscate, build upon or evacuate or replace with its own citizens the population of the territories it has occupied. These measures have all been taken by Israel in one fell swoop.

In this regard we should refer to the fact that article 147 of the Fourth Geneva Convention considers the extensive destruction and appropriation of property, in a manner not justified by military necessity and carried out unlawfully and wantonly, as a grave violation of the Convention which is punishable under international law.

The Ambassador of Israel spoke at length today in an attempt to convince us that agreements concluded with the Palestinian side do not enjoin Israel from building settlements. The answer to the Ambassador of Israel is abundantly clear. First, the Geneva Conventions prohibit the establishment of settlements. Secondly, the agreements concluded between the two parties — Israel and Palestine are clear. In particular, the Interim Agreement signed in Washington in September 1995, says:

(spoke in English)

> "Neither side shall initiate or take any step that will change the status of the West Bank and the Gaza Strip pending the outcome of the permanent status negotiations." [Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip, article XXXI, para. 7]

(spoke in Arabic)

Naturally, the Ambassador of Israel did not refer to this provision. Thirdly, when the Palestinian side builds on the occupied territories it is building on its own territories, not on territories which it occupied by military force. Therein lies a huge difference between the two.

As I am now addressing the Ambassador of Israel, I believe I am entitled to request him to spare us hearing the fictional story fabricated by Israel and repeated many, many times by the pro-Israel media that Israel was acting in self-defence in 1967. It has been proved beyond a shadow of a doubt, and from Israeli sources, that Israel was the party that planned, as well as initiated, the war in 1967, which was a 100 per cent offensive war.

I listened very intently to the statement made by the Ambassador of Israel. I hope I may be allowed to wonder aloud and in good faith — I repeat, in good faith — why the Ambassador of Israel started his statement by referring to the late Prime Minister of Israel, Yitzhak Rabin. Indeed, he did so more than once in the first, second and sixth pages of his circulated statement, but did not refer a single time to the current Prime Minister of Israel, Benjamin Netanyahu.

We in the Arab world agree with the policy pursued by the late Prime Minister, Yitzhak Rabin. We believe that that policy would have led us to peace. The problem we face today, which has led the Ambassador of Israel to

wonder why we are holding this meeting, is that the current Prime Minister of Israel and the policy pursued by him are the causes which have led us to resort more than once to the General Assembly and which have produced the deteriorating situation we have now reached. It is indeed noteworthy that the Ambassador of Israel referred three times to the late Prime Minister of Israel, Mr. Rabin, whose policy we agreed with, and not once to the current Prime Minister.

What is demanded of Israel is very clear: to cease the implementation of its settlement schemes, particularly at Jebel Abu Ghneim, because they run counter to the provisions of international law and are a contravention of its contractual obligations.

In this regard, I would like to quote what was said by the representative of the United States, the main sponsor of the peace process, in one of the meetings of the Security Council last month:

> "Compliance with international obligations is not a voluntary act." [S/PV.3826, p. 11]

In this respect, he is completely justified, and today we reiterate that this statement must have equal meaning and weight and must be applied in all cases. All criteria must be applied to all resolutions, without any double standards.

The situation prevailing at present in the Middle East is a cause of grave concern. If we set aside a number of important developments that have taken place in the region recently and just concentrate on the peace process, we would still realize that the peace process has not moved an inch for almost a whole year. I cannot conceal the very deep concern of Egypt as a result of the continuation of such a situation, which affects negatively and directly the national security of all States of the region. It also adversely affects public opinion in the region and forces it towards more extremism, intolerance and sometimes even violence.

Exactly 20 years ago, Egypt initiated the Arab-Israeli peace process. Six days from now, on 19 November, will be the twentieth anniversary of the historic initiative undertaken by the late President Anwar Sadat, who travelled to Israel and opened a new chapter in the history of the Arab-Israeli conflict, following the wars and destruction that ravaged the region for more than three decades.

From the very first day of Egypt's initiative for the establishment of peace in the Middle East, and despite the innumerable obstacles and countless impediments, Egypt, under the leadership of President Hosni Mubarak, continued to strive for a comprehensive and just peace. The maintenance of peace in the Middle East must be pursued on the basis of the principle of land for peace, in accordance with Security Council resolutions 242 (1967) and 338 (1973).

Since that time, Egypt has been endeavouring to support and cooperate with its Arab brethren whose territory was occupied by Israel by force, in particular the Palestinian people, in order to arrive at a peaceful settlement for this historic conflict on the basis of the same principle, which stipulates that Israel should return all the territory it has occupied in return for peace. But close scrutiny of the prevailing status of the peace process would easily afford an outside observer a clear conclusion: the current Israeli Government rejects the peace offered by the Arab side. The current Israeli Government has reopened the agreements signed by the previous Government. The current Israeli Government has postponed its withdrawal from the territories that were to be handed over to the Palestinian Authority. The current Israeli Government continues its settler and expansionist policy in all the territories it has occupied including East Jerusalem. The current Israeli Government persists openly in its occupation of the Syrian Golan. The current Israeli Government refuses to withdraw from Lebanon in accordance with Security Council resolution 425 (1978). It continues to reject the establishment of an independent Palestinian state neighbouring it, despite its repeated claims of the need for peaceful coexistence among all the peoples of the region.

Hiding behind the pretext of achieving full security for Israel is of no avail any longer to the Government of Israel as it evades the resumption of negotiations with the Palestinian side. We have stated repeatedly and publicly, in this and other forums, that the security sought by Israel cannot be achieved but through the establishment of a just and comprehensive peace, which, in turn, cannot be attained except through the restoration to the Palestinian people of all their legitimate rights, including the right to self-determination, and the establishment of its independent Palestinian state.

The Israeli Government continues to insist that full security can be achieved without this very basic condition. From that premise, it has proceeded to impose its own vision on the territories that it has occupied by

military force since 1967 through the establishment of settlements to house its citizens, who are coming from the four corners of the world. Peace is the only path to security. It is the only path for the establishment of a regional cooperation that stems from the conviction of all the States of the region that this cooperation would serve the common interest of all to the same extent and without any exception.

It is high time for all the High Contracting Parties of the Fourth Geneva Convention of 1949 to prepare for the convening of a conference to consider how the Parties to the Convention could discharge their collective responsibility to ensure Israel's respect for the provisions of the Convention and their application to the territories it is occupying. The Contracting Parties are the States with collective responsibility to ensure respect for the provisions of the Convention. I deem it appropriate to refer here to article 148 of that Convention:

> "No High Contracting Party shall be allowed to absolve itself or any other High Contracting Party of any liability incurred by itself or by another High Contracting Party in respect of breaches referred to in the preceding Article." [United Nations, *Treaty Series*, vol. 75, No. 973]

This refers to the grave breaches of these articles to which I referred earlier.

The achievement of peace in the Middle East must be the supreme goal towards which we all strive. Most regrettably, we find that the peace process is facing real difficulties that are threatening it with complete collapse despite the mighty efforts currently being made to salvage it. The current Israeli Government — I repeat, the current Israeli Government — which is not following the policy of the late Prime Minister Yitzhak Rabin, bears full responsibility for this situation as a result of its settlement policy, which constitutes a grave defiance of established international rules, and because of its flouting of the will of the international community, as represented in the relevant United Nations resolutions, including the two resolutions of the tenth emergency special session, and because also of its continued persistence in disregarding the rights and sentiments of the Palestinian people and their legitimate demands, as well as its continued refusal to comply with the contractual obligations assumed by the previous Israeli Government.

Right shall prevail, however long it takes. Egypt calls upon all Member States to discharge their responsibility to ensure respect for the provisions of the resolutions of the tenth emergency special session. Egypt calls upon them to support the draft resolution before the current resumed session in order to salvage peace in the Middle East and to bolster international legality.

Mr. Samhan (United Arab Emirates) (*interpretation from Arabic*): It is my pleasure, on behalf of the delegation of the United Arab Emirates, to convey to you, Sir, my gratitude and my appreciation for having convened this resumed tenth emergency special session of the General Assembly for the purpose of considering the "Illegal Israeli actions in occupied East Jerusalem and the rest of the Occupied Palestinian Territory". I wish also to express our support for the statement made by His Excellency Mr. Hasan Abu-Nimah, the Permanent Representative of Jordan, on behalf of the Group of Arab States.

This session — resumed for the second time under the item "Uniting for peace", on the basis of the report of the Secretary-General, which has clearly stressed non-compliance by the Government of Israel with its commitments under the two resolutions adopted by this session — shows once again that the international community is concerned at the Government of Israel's disregard for internationally binding resolutions. That Government is continuing to establish illegal settlements not only in Jebel Abu Ghneim and various parts of East Jerusalem but also throughout the occupied Palestinian and Arab territories.

That Government is also continuing its usual practices: arresting people, bombing residences, perpetrating acts of violence and starving the population. It continues to limit the movement of Palestinian citizens and the circulation of goods to and from the territories of the Palestinian Authority. It is seizing the identity cards of the inhabitants of East Jerusalem and denying them their rights as citizens in order to alter the demographic, legal, cultural and historical status of that holy Arab city.

All of these practices and violations represent grave contraventions of international humanitarian law and of the relevant internationally binding resolutions. They contravene also the Declaration of Principles, which is based on the principle of land for peace, and the guarantees set out in the provisions of the various subsequent agreements concluded by Israel with the Palestinian Authority. In addition, these practices violate other agreements entered into under the fourth Geneva

Convention of 1949 relative to the protection of Civilian Persons in Time of War, as well as the Hague Convention.

Ms. Eshmambetova (Kyrgyzstan), Vice-President, took the Chair.

If we look closely into all these illegal Israeli actions, we may well wonder how the question of Palestine can be settled. How can we restore just and lasting peace and security to the Middle East when the Government of Israel continues to break its political, moral, legal and humanitarian commitments to the Palestinian people and when it continues to violate the legitimate rights both of that people and of the other States of the region? As we and the international community look objectively at the nature of the positions systematically taken by that Government since it came to power, we can only become convinced that the Israeli Government is trying to exploit the peace process as well as the situations and events and the other elements it has brought about to advance its colonial interests in the region: the forcible annexation of occupied Palestinian and Arab territories and consolidation of its occupation and expansion at the expense of the rights of the Palestinian and Arab peoples.

This was confirmed a few days ago in the unambiguous statements by the Prime Minister of Israel at a meeting of his party that he intends to retain most of the West Bank in the framework of an agreement on the final status of the liberated Palestinian territories. Israel also refuses to meet its commitments on redeployment within the Palestinian territory and many other commitments it undertook under the relevant agreements. This is strongly condemned and rejected not only by the Palestinian and Arab peoples but also by all the other States and peoples of the region and by other peace-loving States.

The chain of events in the occupied Arab and Palestinian territories clearly shows that the Israeli Government is not serious about peace negotiations. The matter of security advanced by that Government is a false and baseless argument intended to conceal the true reasons why that Government has gone back on its commitments and why it has adopted policies and taken actions contrary to the principles of the Charter of the United Nations and the norms of international law. A few days ago, the Israeli Government confessed that it was responsible for the attempted assassination of Mr. Khaled Mechal in Jordan, which clearly proves that Israel is engaging in State terrorism. Along with all the other States of the region, we reaffirm our rejection of terrorism in all its forms and manifestations, especially when the targets are innocent civilians.

We wish also to reaffirm that true security must be based on a just, lasting, comprehensive and peaceful solution to the Palestinian question and the problem of the Middle East. We also express our commitment to all the various tracks of the peace process without exception, with a view to guaranteeing Israel's total withdrawal from all occupied Arab and Palestinian territories, including the Syrian Golan, southern Lebanon and the Beka'a valley, and respect by Israel for international law and for the legitimate national rights of the Palestinian people, including its rights to self-determination and to the establishment of an independent State on its national territory, with Al-Quds as its capital.

That will be possible only if the Security Council shoulders its full legal and political responsibilities: to defend its resolutions without applying double standards, especially since Israel, as we all know, continues to possess weapons of mass destruction, including nuclear, biological and chemical weapons, that pose a threat to regional and international peace and security.

In the light of all these elements, and bearing in mind the failure of the bilateral negotiations between the Palestinian Authority and Israel and of efforts on the international scene by influential States — in particular the co-sponsors of the peace process and the States of the European Union — we reaffirm how important it is for all these States to undertake additional efforts to make the Government of Israel comply with all internationally binding resolutions. It is no longer a matter of convincing Israel to change its position; we must demand immediate and full compliance with the relevant resolutions, principally those of the Security Council and of the General Assembly, based on the principles of the Charter and the norms of international law.

The United Arab Emirates further reaffirms its condemnation of Israel's material violations of the provisions of resolutions ES-10/2 and ES-10/3. It is important now to put an urgent end to all the serious ongoing Israeli violations, by doing the following: first, renewing international rejection and condemnation of all the illegal settlement and other activities of the Israeli Government.

Second, the international community must adopt more effective measures to force Israel to live up to its commitments to the Palestinian Authority and to other

aspects of the peace process on the basis of Charter principles and the norms of international law.

Third, the Arab identity of the occupied areas, in particular Jerusalem, must be affirmed, and political and material support of all kinds must be granted to the Palestinian Authority so that it can assume its role in pursuing the peace negotiations and in establishing infrastructure and institutions in pursuit of sustainable development.

Fourth, all States must be urged to respect the provisions of existing resolutions advocating the adoption of measures to put an end to all support by individuals or companies for Israeli settlement activities and their economic infrastructure, by forbidding the import of any goods produced or manufactured in the settlements.

Fifth, immediate measures must be taken to convene a conference of High Contracting Parties to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War with a view to confronting the Israeli Government's grave failure to meet its commitments under that Convention.

Sixth, the Israeli Government must be made immediately to pursue the next stage of negotiations on pending matters such as the settlements, Jerusalem, refugees, boundaries, security and others.

Finally, we reaffirm the need to achieve a just and lasting peace in the region on the basis of an atmosphere of trust, the peaceful settlement of disputes, non-interference in the internal affairs of other States, respect for the rule of law, the elimination of weapons of mass destruction, including nuclear weapons, and commitment to the principles and purposes of the Charter.

Those are essential if we are to respond to the hopes of our peoples for the economic and social development they so sorely need after all the wars the Arab region has known over the past 50 years.

Mrs. Sinha (India): When the Middle East peace process was launched the international community wholeheartedly supported it. The progress that has been achieved so far has not been easy. It is therefore a matter of deep concern to India that over the last several months the General Assembly has had to convene time and again on the question of Palestine to discuss the various obstacles that have kept cropping up and endangering the very basis of the peace process.

The Secretary-General's report on the settlement activities undertaken by Israel is quite explicit as to the danger that this would pose to the further continuation of the talks on the Palestinian-Israeli track. The report only reinforces the stand taken by the Non-Aligned Movement (NAM) Ministerial Committee on Palestine in April 1997 that the General Assembly should demand the immediate and full cessation of construction of Jewish settlements and all illegal measures and actions in Jerusalem. While supporting the ongoing peace process, the NAM Foreign Ministers had expressed their concern at the Government of Israel's failure to abide by its obligations and its commitments to implement the agreements according to the agreed time schedule.

The Non-Aligned Foreign Ministers considered the Israeli actions as illegal, constituting a violation of the relevant international resolutions and a breach of contractual binding agreements, commitments and guarantees between the parties concerned. It was felt that such unilateral steps hindered the Middle East peace process and vitiated the atmosphere necessary to build the mutual confidence essential for the negotiations to progress. Recent acts of terrorism and violence can be traced back to the impasse in the peace process. On the other side, we are also witnessing a steady deterioration in the socio-economic condition of the Palestinians due to frequent closures, economic sanctions, blockades and so on. All these steps do not bode well either for the region or for the peace process itself.

Let the message emerge from this session that to advance the cause of peace the negotiations have to be conducted on the basis of goodwill and mutual trust, and the agreements and understandings should be honoured and implemented. To think that peace can be achieved by any other means is incorrect and counter-productive. Therefore, it is imperative that the parties honour their commitments under the Oslo accords, which are based on Security Council resolutions 242 (1967) and 338 (1973) and the principle of "land for peace", and move swiftly for a resolution of the various outstanding issues. This would pave the way for the final status negotiations to begin in earnest.

We have noted that the two parties have resumed talks, but a great deal needs to be done to bring the peace process back on track. In line with our earlier stand in this Assembly, we call upon all parties concerned to eschew any action that could impede the peace process and to intensify efforts towards finding a just, comprehensive and lasting peace in the region. This

would, in the final analysis, lead to the securing of the inalienable rights of the Palestinian people and enable all States in the region to live within secure and internationally recognized boundaries.

Mr. Effendi (Indonesia): I would like to begin by expressing deep appreciation for the convening of the present resumed tenth emergency special session of the General Assembly to consider the illegal Israeli actions in occupied East Jerusalem and the rest of the occupied Palestinian territory. On behalf of the Islamic Group, I also wish to convey the Group's gratitude for the positive response the President extended to its letter requesting the convening of this session. At this juncture, I should not fail to convey our gratitude to the Secretary-General, Mr. Kofi Annan, for the report submitted in accordance with resolution ES-10/3, specifically with respect to the recommendation by the General Assembly to convene a conference of the High Contracting Parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 1949. We warmly welcome the opportunity to consider possible follow-up actions to the report today.

Today's resumed tenth emergency special session has been made necessary by the basic and incontestable fact of continued Israeli rejection of General Assembly resolutions ES-10/2 and ES-10/3. Indeed, its disregard of the relevant resolutions of the Security Council, as well as agreements already reached in the peace process, have led to the current volatile situation on the ground. This is a source of profound concern. Instead of reaping the benefits of the peace process, the daily lives of the Palestinian people have been overwhelmed by bitterness, despair and frustration as they bear the full impact of the Israeli policies. A climate of mistrust and suspicion has enveloped the territories, and expressions of optimism generated by the peace accords are rapidly dissipating. We are now confronted by Israeli Government intransigence, which has become a major impediment to the peace process.

The international community cannot stand idly by in the face of such disregard for the decisions taken by this Assembly earlier this year. There can be no doubt that the responsibility for the present dismal state of affairs rests squarely on the Government of Israel. The United Nations, therefore, should again urge the Government of Israel to renounce its arbitrary policies and actions that impede efforts towards lasting peace, and should call upon that Government to honour the letter and the spirit of the Declaration of Principles and other subsequent agreements, resume peace negotiations in all sincerity and withdraw completely from the occupied Palestinian territories and all Arab lands as part of establishing a just and comprehensive peace in the region.

Accordingly, my delegation commends the laudable efforts being made by various countries to put the peace process back on track. At the same time, it is important to recall the historic responsibility of the United Nations on the question of Palestine. For, as we are all aware, it was 50 years ago that this item was first inscribed on the agenda of this Assembly. Today the cardinal principles enshrined in the United Nations Charter remain an unfulfilled ideal for the Palestinian people. The present gravity of the situation demands that the General Assembly take decisive action to redress that situation in the occupied territories.

It is against this backdrop that my delegation would also like to reiterate its support for the recommendation made by the General Assembly in resolution ES-10/3 for the High Contracting Parties to the Fourth Geneva Convention of 1949 to convene a conference to enforce the Convention in the occupied Palestinian territory, including Jerusalem. It is our view that a reiteration of this recommendation by the present resumed session would be useful in sending a clear and resounding message that the international community cannot tolerate the injustices inflicted on the Palestinian people, as well as other policies and measures which scuttle the spirit of peace and harmony for which the peace process paved the way.

The Acting President: Before giving the floor to the next speaker, I should like to propose, if there is no objection, that the list of speakers in the debate on this item be closed this afternoon at 12.30 p.m.

It was so decided.

The Acting President: I therefore request those representatives wishing to participate in the debate on this item to inscribe their names on the list as soon as possible.

Mr. Baali (Algeria) (*interpretation from Arabic*): At the outset, I should like to reaffirm here that my delegation fully supports the statement made at the 6th meeting by the Permanent Representative of the Hashemite Kingdom of Jordan on behalf of the Group of Arab States. That statement accurately reflects the Arab position of solidarity in these serious circumstances. However, I should like to take this opportunity to

emphasize certain important points that deserve greater attention, and to state our views on the recent developments in the situation with regard to the question of our brothers, the Palestinian people.

The General Assembly is resuming the tenth emergency special session for the second time because Israel has refused to acknowledge the resolution adopted by the Assembly on 15 July [resolution ES-10/3] and has refused to comply with the international community's decisions with regard to the Israeli settlements in occupied Palestinian territory. The magnitude of Israeli intransigence in the face of the international community's positions, resolutions and appeals has thus again been clearly demonstrated.

Perhaps the most telling example is the fact that the Israeli administration is continuing to build a new settlement in Jebel Abu Ghneim, in the south-east of Al-Quds al-Sharif, in flagrant violation of the collective will of the international community. Furthermore, the Israeli Government is continuing its policy of expansion by enlarging other settlements in occupied Arab territory, trampling under foot Security Council resolutions and the commitments it has already undertaken with the Palestinian side, and continuing to maintain its grip on Arab Palestinian territory, either through fraud and deception or by appropriating it by force. We might add to that the continuation of the policy of economic blockade ordered against the inhabitants and the arbitrary administrative measures against the Arab inhabitants of Jerusalem, not to mention practices contrary to human rights, illegal arrests and provocative acts by the Jewish settlers against the Arab population.

The inevitable result is that every day we learn of clashes between unarmed Palestinian citizens and the Israeli occupying forces, leading to numerous dead and wounded. It is therefore certain that the situation will not settle down as long as these Israeli practices continue. Such practices are designed to harass the population, take over their territory by force, attack their holy places, hold up to ridicule their feelings and their sacred places and to humiliate them.

The current situation in occupied Palestine and in the Middle East in general does not augur well. Indeed, since the coming to power of the present Israeli Government, peace has experienced continual and rapid setbacks. The Israeli Government has actually gone back on its commitment and on the agreements concluded first with the Palestinian National Authority and secondly with certain neighbouring Arab States. It has even gone so far as to reject the first principles of the peace process, including the "land for peace" principle, which was the basis of the Madrid Conference, and which was reaffirmed by the Oslo declaration and the Washington agreement. The peace process is thus increasingly losing its meaning, since one of the major parties to the process is doing its best to undermine its foundations in full view of and with the knowledge of the whole world.

The international community is called upon once more to fully shoulder its responsibilities for international peace and security, to defuse the present crisis and regain the dynamic for peace which, despite the setbacks, hold-ups and paralysis, represents the best and only way to bring about a global and just solution to the problem of the Middle East, a solution that would allow the Palestinian people to recover their legitimate national rights, including their right to the creation of an independent State with Al-Quds as its capital. It would also allow Syria and Lebanon to recover their occupied territories and would guarantee all the peoples of the region life in peace and security.

Therefore, it is perhaps time for the international community to abandon using sterile words of condemnation directed at these Israeli practices and finally begin to exert genuine pressure so as to ensure respect for the principles of international legality, above all the implementation of Security Council and General Assembly resolutions, and in particular the two resolutions adopted by the General Assembly during the course of the two meetings held in the framework of the present emergency special session [resolutions ES-10/2 and ES-10/3].

In this respect, Algeria associates itself with all the other Member States in asking the Swiss Confederation, as the depositary State of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, rapidly to convene a conference of the High Contracting Parties. Such practical measures will allow the international community to commit itself to the proper path and to serve the cause of a people that has endured all kinds of humiliations since its territory was usurped in 1948.

Mr. Chowdhury (Bangladesh): At the outset, I would like to join others in expressing the profound thanks of Bangladesh to the High Contracting Parties who have requested the Government of Switzerland, in follow-up of resolution ES-10/3, to convene a conference of the

High Contracting Parties to the Fourth Geneva Convention to examine measures to enforce the Convention in the occupied Palestinian territory, including Jerusalem, and to ensure that it is respected. Bangladesh, which has consistently supported all relevant resolutions, including resolution ES-10/3, has, as a State party to the Convention, conveyed its strong support for an early convening of the conference.

My delegation would like to underline that the situation in the occupied Palestinian territories is a matter of grave concern for Bangladesh. Unfortunately, the Israeli authorities have, in defiance of United Nations resolutions, including General Assembly resolution ES-10/2, continued to pursue repressive policies in the occupied Palestinian territories, including Jerusalem. The resolution, as recalled by other delegations, demanded immediate and full cessation of the construction in Jebel Abu Ghneim and of all other Israeli settlement activities, as well as of all illegal measures and actions in Jerusalem. It stresses the need to preserve the territorial integrity of all the occupied Palestinian territory to guarantee the freedom of movement of persons and goods in the territory, including by the removal of restrictions on movement into and from East Jerusalem and by ensuring freedom of movement to and from the outside world. It is unfortunate that Israel has not heeded this demand, and in fact it continues with illegal measures and actions violating the territorial integrity of the Palestinian territory and imposing restrictions on the freedom of movement of persons and goods. The draft resolution also underlines the obligations of the High Contracting Parties to the Geneva Convention to ensure Israel's respect for the Convention.

It is totally unacceptable that a single State should continue to defy the international community and violate international law and treaty obligations. This concern has been expressed by the ministerial-level meetings of the Arab Group, the Organization of the Islamic Conference, the Non-Aligned Movement and the Group of 77 held during the ongoing fifty-second session of the General Assembly.

In the occupied Palestinian and Arab territories, Israel has encouraged and promoted a policy of suppressing resistance against occupation that generated various forms of human rights violations, such as arrests, detention, torture, refusal of access to legal recourse, expulsion and so forth. Violations at the individual level have been accompanied by collective punishments, such as blockades, the demolition of houses, the confiscation of property, deportation and collective searches. Economic blockades and collective punishment are the most favoured instruments applied by Israel to terrorize the Palestinian people.

Israeli settlements in the occupied territories have always been a source of tension, as these settlements have violated the land rights of the people under occupation. The expansion of the settlements in the occupied territories has been yet another attempt at deliberate encroachment and provocation of the sentiments of the Palestinian people. This has led to a volatile situation which has undermined the peace process. In similar fashion, the confiscation of land and water resources and the storming of houses by Israeli authorities have continued unabated in the occupied territories, including the Golan Heights. The indiscriminate destruction of lives and properties in southern Lebanon has become a routine affair.

Bangladesh reiterates its condemnation of the Israeli policy of systematic violation of international humanitarian law, as well as of fundamental freedoms and basic human rights in the occupied territories. The international community has the responsibility not only to recall that under the Geneva Convention and relevant United Nations resolutions, Israel is obligated to guarantee the basic human rights of the people under its occupation and also to ensure that those rights are respected.

For the people under Israeli occupation, the crucial issues are related to maintaining personal dignity, restoring rights and property and earning autonomy in decision-making. We call upon Israel to comply fully with the Geneva Convention and terminate completely its occupation of Palestinian and other Arab lands without any further delay.

In closing, I would like to make three observations.

The first is with regard to the question of applicability. The Security Council, in 25 of its resolutions adopted over the years, has reconfirmed its recognition of the applicability of the Fourth Geneva Convention in the territories, including Jerusalem, since 1967. There is no controversy over the question of the applicability of the Fourth Geneva Convention to the territories including Jerusalem. There is, hence, no scope for unilateral refusal to recognize the applicability of the Convention. We would similarly regard any attempt at deviation from or circumscription of this recognized

position as an encroachment on and violation of relevant Security Council resolutions.

Secondly, we register our disagreement with the arguments for dissociating the Security Council and the General Assembly from the peace process. The peace process, we would like to underline, rests basically on Security Council resolutions 242 (1967), 252 (1968) and 338 (1973) and the numerous resolutions of the General Assembly. The United Nations, it need not be reiterated, has an abiding responsibility in resolving the problems in the Middle East. The establishment of a sovereign, independent State of Palestine, with Jerusalem as its capital, remains at the core of the problem in the area.

Thirdly, the principles and provisions of international law should not be undermined by political propositions. The people of Palestine are seeking protection under international law, and this should not be taken out of context.

I conclude by reaffirming Bangladesh's co-sponsorship of the draft resolution contained in document A/ES-10/L.3, on "Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory".

Mrs. Cornette (Guyana): Even though the past two series of meetings of the tenth emergency special session appear to have been tangibly unproductive, we have convened here again because we believe that this forum serves our cause. It is absolutely necessary because the United Nations cannot, by virtue of silence or complacency, condone illegal Israeli actions in occupied East Jerusalem and the rest of the occupied Palestinian territory, especially now that the peace process in that part of the Middle East is being deliberately undermined.

On this matter, the will of the international community is clear: peace negotiations must resume and they must be concluded satisfactorily. All agreements reached must be honoured by both parties which are directly involved — Israel and the Palestinian Authority.

At this delicate stage, no one should attempt to reset the agenda. No party should decide that it will not honour its commitments. No party can free itself of the responsibility and the accountability for implementing them. In addition, to focus on secondary issues at this stage, while other crucial matters of paramount importance are neglected, would be highly irresponsible.

The recent talks in Washington which sought ways to get final settlement negotiations under way and to resolve other interim issues have not produced any positive outcome. Meanwhile, the situation on the ground in Palestine remains the same. The removal of Israeli troops from the West Bank as previously agreed has not occurred. The construction of controversial housing settlements in Jebel Abu Ghneim and other parts of Palestinian territory continues unabated, despite the objections of the Palestinian Authority and two United Nations resolutions, ES-10/2 and ES-10/3, which called for its immediate termination. The Government of Israel repeatedly assures us that it remains committed to the peace process. Yet the maxim "actions speak louder than words", remains true. As a Member of the United Nations, Israel must comply with both of these resolutions, and that compliance will be the ultimate assurance.

We have assembled here today to reconsider this matter in the light of the Secretary-General's latest report. The United Nations must use every means at its disposal to ensure that a comprehensive, lasting and just peace is achieved in a region that has been besieged for approximately half a century now. The validity and importance of the role of the United Nations in this matter since its inception has been constant and remains unquestionable. Today we must consider further means by which this cause can be advanced. The draft resolutions which will be introduced during this session offer such means.

The history of international relations here at the United Nations has proved that tenacity in the face of obstacles eventually bears fruit. It is important for Member States to keep this in mind as action on the draft resolution before us is first considered and then taken. The international community has long sought to resolve the question of Palestine, and since the opportunity for doing so is still open, we should do whatever we can to grasp it.

Mr. Takht-Ravanchi (Islamic Republic of Iran): I would like to express our gratitude to the President for convening this meeting to resume the tenth emergency special session of the General Assembly to consider once more illegal Israeli actions in the occupied territories.

The adoption of two resolutions by the tenth emergency special session of the General Assembly since last April, resolutions which, *inter alia*, condemn the construction of new settlements and all other Israeli

actions in the occupied territories, clearly illustrates the outrage and grave concern of the world community on the expansionist policies of the Israeli regime. It further reflects the opposition of the overwhelming majority of the Member States to the abuse of veto power by a permanent member of the Security Council, preventing the Council from performing its obligations under the Charter in calling upon Israel to end its illegal actions.

The Secretary-General, in his report of 26 June 1997 to the tenth emergency special session, informed Member States that Israel had not abandoned its construction of the new Israeli settlements at Jebel Abu Ghneim and that settlement activity — including the expansion of existing settlements, the construction of bypass roads, the confiscation of lands adjacent to settlements and related activities — continued unabated throughout the occupied territories, in violation of the relevant Security Council resolutions. According to the report, the Israeli authorities continue to reject the resolution of the General Assembly calling for cessation of those activities, and as a consequence of this unlawful approach, they continue to pursue the policy of changing the demographic, geographic and religious status of the occupied territories.

In addition to these illegal Israeli settlement activities, numerous reports and documents of the United Nations provide ample description of the systematic inhumane practices of the Zionist regime, including arbitrary mass arrests, detention and shooting of Palestinians, sealing or demolition of homes and internal closure of the territories. These brutal measures are but a few instances of the inhumane Israeli pattern of behaviour. Recent attempts to murder Palestinians in other countries and the failed attack against southern Lebanon last September exposed once again the Israeli State terrorism.

The General Assembly recommended in its resolution ES-10/3 that the High Contracting Parties to the Fourth Geneva Convention convene a conference on measures to enforce the Convention in the occupied Palestinian territories, including Jerusalem. Accordingly, in response to the note by the depository of this Convention, the Government of Switzerland, the Government of the Islamic Republic of Iran, as a party to the Fourth Geneva Convention, welcomed the convening of the conference. It is our earnest hope that such a conference can contribute to the restoration of the inalienable rights of the people of Palestine.

Moreover, it is imperative that the General Assembly take the lead in condemning and rejecting the illegal Israeli actions and policies in the occupied territories with a view to bringing such unlawful practices to an immediate end. At a time when the Security Council has failed to fulfil its responsibility by preventing the blatant and persistent violation of international law by Israel, this emergency special session of the General Assembly should consider further measures, including recommendations to the States Members of the United Nations, in accordance with General Assembly resolution 377 A (V) of 3 November 1950, as reflected in paragraph 8 of the draft resolution before us.

Mr. Wolzfeld (Luxembourg) (*interpretation from French*): I have the honour to take the floor on behalf of the European Union. The following countries — the Czech Republic, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, Slovenia and Cyprus, as well as Iceland — align themselves with this statement.

The European Union regrets that the General Assembly has had to meet again to examine the question of "Illegal Israeli actions in occupied East Jerusalem and the rest of the Occupied Palestinian Territory".

We deplore Israel's failure to respond to the appeals made by the General Assembly and the international community to cease construction work in Jebel Abu Ghneim/Har Homa and, in general, to suspend the development of settlements in the occupied territories, including Jerusalem.

These activities are indeed contrary to the provisions of the Fourth Geneva Convention.

In resolution ES-10/3, the General Assembly recommends to the High Contracting Parties of the Fourth Geneva Convention to convene a conference on measures to enforce the Convention in the occupied Palestinian territory, including Jerusalem, and to ensure its respect.

The European Union reaffirms that the Geneva Convention relative to the Protection of Civilian Persons in Time of War applies to the occupied Palestinian territory, including Jerusalem, and to the other Arab territories occupied by Israel since 1967. We call on Israel to recognize that the Convention applies de facto and *de jure* to those territories and to comply with its provisions.

The European Union considers, however, that the convening of a conference on the implementation of the

Convention in the immediate future would, in the present circumstances, risk giving rise to additional complications unless it was carefully prepared.

The States members of the European Union have therefore suggested to the depositary that the possibilities should be explored of convening a meeting of experts which would be charged with examining the political and legal context of the question before a conference of the High Contracting Parties was convened. That meeting of experts could also examine the broader implications of such a conference.

We welcome the resumption of negotiations by Israeli and Palestinian authorities with a view to breaking the current total deadlock in the peace process. We express the hope that the parties will also agree to avoid any unilateral action that could hamper the progress of those negotiations or even lead to their failure.

The European Union remains deeply attached to the peace process as the only way to establish lasting peace and security in the region. The Union intends to support the current peace efforts, and especially to contribute to the adoption of an agreement on a code of conduct by Israel and the Palestinian Authority and the implementation of confidence-building measures.

It is, in fact, more necessary than ever that real and credible confidence-building measures are taken in the Middle East.

Mr. Londoño-Paredes (Colombia) (*interpretation from Spanish*): For the third time this year, it has been necessary to convene the General Assembly in emergency special session because of Israel's refusal to abide by United Nations resolutions, in particular the requests and recommendations contained in resolutions ES-10/2 and ES-10/3.

The international community has an obligation to insist on compliance with the relevant resolutions with regard to the occupied Palestinian territories. It is the duty of the General Assembly to reiterate the commitment of Member States to the legitimate rights of the Palestinian people and, in general, to the cause of peace in the Middle East, especially in view of the continued silence of the Security Council on a matter of such importance for international peace and security.

As the United Nations has repeatedly stated, the decision by the Government of Israel to pursue a policy of settlements in occupied Arab territories, particularly in Jerusalem, is a serious departure from the spirit of the Oslo agreements, eroding the fragile climate of trust that had been created between the parties and prejudicing the results of the negotiations on final status.

Only respect for United Nations resolutions and the agreements signed will make it possible to achieve the climate of confidence necessary to the attainment of peace. The demands of the parties must be backed by their own compliance with international law and obligations entered into. Palestine, like Israel, has a right to live in peace and to seek the well-being of its people.

As President of the Coordinating Bureau of the Movement of Non-Aligned Countries, I addressed a note to the Government of Switzerland conveying the political support of the Movement for the convening of a conference of the High Contracting Parties to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War.

In turn, the Government of Colombia replied positively to the question of the Swiss Government, understanding as we do that the critical situation faced by the Palestinian people calls for careful consideration by States parties of the mechanisms available to them to work to facilitate the peace process.

We believe that a preliminary meeting of experts to establish parameters and specific goals could have a favourable impact and ensure that the results of the conference would contribute positively to the quest for peace in the region.

My delegation wishes to express its recognition of the efforts made by the parties to the peace process in the Middle East and its agreement with the position that direct talks are the best way to achieve the independence and self-determination of the Palestinian people and peace for all the inhabitants of the region. We believe that it is precisely for that reason that the position of one of the parties should not prevail over the basic concern to maintain confidence so that the negotiating process can continue to bear fruit. We view today's emergency special session as an effort by the international community to safeguard the invaluable progress that has been made so far.

Faced with senseless acts of terrorism aimed at undermining our hopes for peace, we believe that the best response is the insistence by the parties on strict

compliance, in good faith, with commitments entered into under the peace agreements. Only thus will it be possible to expedite negotiations with the understanding that the fruits of peace cannot be fully appreciated until the negotiating process has come to a satisfactory conclusion. Retaliation against innocent citizens and authorities for actions taken by radical groups only puts the keys to the peace process into the hands of the very ones who are trying to destroy it.

These exchanges and dialogues for peace must lead to concrete progress to show the renewed viability of the peace process, one that is capable of creating the proper climate for understanding that will make it possible to begin the difficult task of the final status negotiations. Colombia believes that Palestine, like Israel, has a right to live in peace and tranquillity and to seek, as do we all, the well-being of its people. We will continue unhesitatingly to support that view.

Mr. Hasmy (Malaysia): At the last resumed tenth emergency special session of the General Assembly on 15 July 1997, my delegation participated in the debate on this same agenda item and voted for the adoption of General Assembly resolution ES-10/3. The resolution, *inter alia*, recommended that the High Contracting Parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War convene a conference on measures to enforce the Convention in the occupied Palestinian territory, including Jerusalem, and to ensure its respect, in accordance with common article 1. It also requested the Secretary-General to present a report on the matter within three months.

My delegation wishes to thank the Secretary-General for his report, contained in document A/ES-10/16 and submitted in accordance with paragraph 10 of resolution ES-10/3, and also to express our appreciation to the Government of Switzerland, in its capacity as the depositary of the Fourth Geneva Convention, for communicating with all the High Contracting Parties to the Fourth Geneva Convention on the convening of the conference.

In the light of the alarming developments that have taken place on the ground in the occupied Palestinian territory, including Jerusalem, and the setbacks in the Palestinian-Israeli peace process, my delegation considers the convening of such a conference to be of critical importance. Malaysia reiterates its strong support for the early convening of the conference by the High Contracting Parties to the Fourth Geneva Convention and looks forward to its immediate convening following the adoption of this draft resolution.

The continued Israeli policy on the establishment and expansion of Jewish settlements and confiscation of Palestinian lands in the occupied Palestinian territory, including Jerusalem, remains a major and serious stumbling block to further progress in the Palestinian-Israeli peace process and the achievement of a comprehensive, just and lasting peace and security in the Middle East. Since 1967, this policy has been relentlessly pursued by Israel and has been the subject of serious debates in both the Security Council and the General Assembly. A number of resolutions, particularly Security Council resolutions 446 (1979) and 465 (1980), have reaffirmed that the Israeli policy and practice of establishing settlements in the occupied Palestinian territory are illegal. Despite the overwhelming rejection by the international community, as reflected in the most recent resolutions — ES-10/2 and ES-10/3 — Israel has persisted with this policy in violation of international norms and treaties, including the 1949 Fourth Geneva Convention.

Despite the condemnation and repeated appeals of the international community, the construction of new Jewish settlements in Jebel Abu Ghneim, south of East Jerusalem, has continued unabated. The ultimate objective is clear to all. It is to ensure that these settlements will complete the encircling of Arab East Jerusalem. Coupled with the administrative measures taken by the Israeli Government to invalidate the residency rights of the Palestinian inhabitants of Jerusalem, the expected increase in Jewish population will effectively alter the demographic character of Jerusalem in favour of the Jews, thereby strengthening the negotiating position of Israel in the final status talks.

While the construction of new settlements in East Jerusalem is progressing, the existing settlements in the West Bank and Gaza Strip continue to expand. More and more Palestinian lands have been confiscated to meet expansion activities. What is clear to all but the Israeli authorities is that these activities, along with the policy of closure, the forced demolition of houses and a host of other unilateral measures will not lead to the rebuilding of confidence. Instead, it will deepen the atmosphere of animosity, hatred and distrust, undermining further the already paralysed peace process. Clearly these policies had not worked in the past and will not work now or in the future. My delegation calls on the Israeli Government to cease these policies forthwith and to reverse all actions

taken illegally under international law against the Palestinian inhabitants of Jerusalem. It must undertake serious and sincere efforts in rebuilding confidence and trust vis-à-vis the Palestinians so as to bring the peace process squarely back on track.

Malaysia has persistently called for a comprehensive, just and lasting peace in the Middle East conflict. We reaffirm our unwavering and unreserved support for the just struggle of the Palestinians for their inalienable rights. As we have stated before in this Assembly as well as in the Security Council, we believe that only through Israel's full compliance with Security Council resolutions, particularly resolutions 242 (1967) and 338 (1973), will the long-awaited peace in the region be realized.

While it is up to the Government and people of Israel to determine their own policies, it remains the hope of the international community, including Malaysia, that Israel will heed the repeated calls and appeals, including that of its close ally, to cease these settlement activities. Israel should be aware that a great deal of effort has been exerted since 1967 by the international community to help resolve the conflict and to bring peace, security and prosperity to the region.

Therefore, Israel must manifest its genuine desire for lasting peace and strenuously work towards honouring its commitments based on the Arafat-Rabin accord and other agreements it had entered into. Israel should abandon its policy of exclusion and containment for one of co-option and engagement. It should jettison narrow policies designed for short-term political or security advantages in favour of broader and enlightened policies of cooperation and partnership with the Palestinians and its Arab neighbours, in the full knowledge that such policies will bring in dividends not only in its relations with them, but also vis-à-vis the larger Muslim community of nations.

The draft resolution before us today embodies the measures that must be taken by the Israeli Government in order to re-establish mutual trust and confidence between the parties involved. It calls for reinjecting momentum into the stalled peace process so as to put it back on track. It also calls for the implementation of the agreements reached between the Palestine Liberation Organization and the Israeli Government, and the upholding of the principles of the peace process, including that of land for peace. While the two sides are called on to refrain from actions that would impede the peace process, the draft also contains the request to the Government of Switzerland, in its capacity as the depositary of the Fourth Geneva Convention, to convene a conference of the High Contracting Parties to the Convention, which Malaysia supports unreservedly. As a cosponsor of this draft resolution, my delegation calls on all Member States for their support so as to enable the draft resolution to be adopted by consensus.

Mr. Yel'chenko (Ukraine): Only four months have passed since the resumed tenth emergency special session of the General Assembly adjourned its work with a view to achieving further progress in solving the Middle East problems. However, we note with regret that the recent alarming developments in the peace process in the region have forced the General Assembly to reconvene again to address the issue.

The delegation of Ukraine shares the concern, expressed by the Secretary-General in his report, submitted in accordance with resolution ES-10/3 of 15 July 1997, about the deterioration of the Middle East peace process, as well as with the current state of Israeli-Palestinian relations.

The decisions adopted by the Madrid Peace Conference and the Oslo agreement gave all of us the hope for establishing peace between the Israelis and the Palestinians. Not so long ago, this goal might have seemed to be completely unachievable. Some years ago, as we may recall, the peace process in the Middle East had strengthened our hopes for a new era of peace, stability and prosperity for the peoples of the region. That new, growing atmosphere of peace provided the parties with good opportunities to overcome their principled differences through negotiations by respecting each other's interests and concerns.

Regrettably, we are now witnessing a serious destabilization of the situation which has put into jeopardy the existing fragile atmosphere of peace.

There is no doubt that the question of Jerusalem, a Holy City for the three major world religions, is a particularly sensitive one. Within the context of the peace process, the parties agreed to negotiate its status. Negotiations, as we all understand, cannot entail unilateral decisions. Neither can they entail decisions that prejudge the outcome of the discussions, nor can they foresee the decisions that alter the status quo.

There is a real danger that unilateral decisions may lead to a deep crisis of confidence which might result in the further erosion of the peace process. Should that occur, the subsequent mistrust among the parties may

destroy the very delicate and fragile structure of peace in the Middle East, the structure that was so assiduously built up over the last few years.

Ukraine strongly condemns all violent practices and terrorist acts, which bring to naught the international efforts aimed at establishing stability and lasting peace in the region. My country unequivocally rejects such an abhorrent phenomenon of the present day as terrorism, in all its forms and manifestations. With this in mind, we are deeply convinced that peace in the region, including the overall settlement of the Palestinian problem, can be achieved only through a constructive and continuous dialogue — and, what is most important, on the basis of mutual respect, patience and tolerance.

In this connection, we would like to emphasize that it is extremely important that both sides demonstrate good will, restraint, prudence and a level-headed approach in the current circumstances.

This delegation firmly believes that there is no alternative to the Middle East peace negotiation process. We should continue to encourage and facilitate this process. We urge both parties to honour their commitments and to strictly abide by their obligations under international law and in the previous agreements.

Within this context, the United Nations should exert more active efforts to revitalize the process. We understand that this is not easy, but the United Nations has to prove that its main destiny is to unite the nations, to secure peace and stability.

The delegation of Ukraine believes that, apart from political efforts, the United Nations should also attach priority attention to the issue of economic development of the Palestinian territories. In our opinion, the gradual integration of the Palestinian Authority into the economy of the Middle East region as a whole could open promising prospects not only towards the economic but also the political stabilization in the region.

It is evident that the Palestinian issue remains at the core of the solution of the Middle East problem. It is more than ever evident that the restoration of the legitimate rights of the Palestinian people is the major key to achieving genuine peace and stability in this region. We are looking with great hope to such a development of events.

The Acting President: We have heard the last speaker in the debate on this item for this meeting. We shall hear the remaining speakers this afternoon at 3 p.m.

The meeting rose at 1.15 p.m.